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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 NADYNNE S.,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL
12 SECURITY,

13 Defendant.

Case No. C19-5163-MLP

ORDER

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15 This matter comes before the Court on Plaintiff's motion for relief under Federal Rule of
16 Civil Procedure 59(e). (Dkt. # 18.) After reviewing the motion and the remainder of the record,
17 the Court DENIES Plaintiff's motion (dkt. # 18) as explained below.

18 A motion for reconsideration under Federal Rule of Civil Procedure 59(e) "offers an
19 extraordinary remedy, to be used sparingly in the interest of finality and conservation of judicial
20 resources." *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003) (internal citations and
21 quotation marks omitted). "Indeed, 'a motion for reconsideration [under Rule 59(e)] should not
22 be granted, absent highly unusual circumstances, unless the district court is presented with newly
23 discovered evidence, committed clear error, or if there is an intervening change in the controlling
law.'" *Id.* (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)). "A

1 motion for reconsideration may not be used to get a second bite at the apple.” *Campion v. Old*
2 *Republic Home Protection Co., Inc.*, 2011 WL 1935967, at *1 (S.D. Cal. May 20, 2011).

3 In this case, Plaintiff’s motion reiterates and expands upon the briefing already presented,
4 and explains why Plaintiff continues to believe that the Commissioner’s decision was erroneous.
5 (Dkt. # 18.) Plaintiff’s claim of clear error notwithstanding, this disagreement does not
6 demonstrate clear error. Accordingly, Plaintiff’s Rule 59(e) motion (dkt. # 18) is DENIED.

7 Dated this 6th day of November, 2019.

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10 MICHELLE L. PETERSON
11 United States Magistrate Judge
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